

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK DeGEORGE,)	
)	Civil Action
Plaintiff)	No. 11-cv-04288
)	
v.)	
)	
FINANCIAL RECOVERY SERVICES, INC.,)	
)	
Defendant)	

* * *

O R D E R

NOW, this 27th day of September, 2012, upon
consideration of the following documents:

- (1) Defendant's Motion to Dismiss filed September 22, 2011, together with
 - (A) Defendant's Memorandum of Law in Support of Its Motion to Dismiss;
- (2) Plaintiff's Opposition to Defendant's Motion to Dismiss, which opposition was filed October 6, 2011, together with
 - (A) Plaintiff, Frank DeGeorge's Brief in Opposition to Defendant, Financial Recovery Services, Inc.'s Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6); and
- (3) Complaint filed by plaintiff on July 1, 2011;

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that Defendant's Motion to Dismiss is granted in part and denied in part.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss is granted to the extent it contends that plaintiff's Complaint fails to state a claim under Section 1692d of the Fair

Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692-1692p.

IT IS FURTHER ORDERED that plaintiff's claims brought pursuant to Section 1692d of the FDCPA are dismissed without prejudice for plaintiff to file an Amended Complaint in accordance with the accompanying Opinion.

IT IS FURTHER ORDERED that defendant's motion to dismiss is denied in all other respects.

IT IS FURTHER ORDERED that in the event plaintiff does not file an Amended Complaint by October 26, 2012, defendant shall have until November 16, 2012 to answer plaintiff's Complaint alleging violations of 1692e and 1692f of the FDCPA.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge